

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Peter Rodriguez,

Plaintiff,

-against-

City of New York et al.,

Defendants.

USDC SDNY
DOCUMENT
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DATE FILED: 3/16/2023

1:20-cv-11045 (GBD) (SDA)

ORDER

STEWART D. AARON, United States Magistrate Judge:

In Defendants’ reply memorandum in support of their motion for summary judgment, Defendants ask the Court to seal certain documents filed by Plaintiff in connection with his opposition to Defendants’ motion for summary judgment, which had been produced by Defendants and marked confidential pursuant to the Protective Order entered in this action. (See Defs.’ Reply Mem., ECF No. 104, at 5 n.1.) As Defendants point out, pursuant to the Protective Order, the party seeking to file papers with the Court that incorporate materials deemed confidential under the Protective Order shall make an application to the Court. (*Id.* (citing Protective Order, ECF No. 33).) Nonetheless, “[t]he burden of demonstrating that a document submitted to a court should be sealed rests on the party seeking such action[,]” which here is Defendants. See *In re New York City Policing During Summer 2020 Demonstrations*, No. 20-CV-08924 (CM) (GWG), 2022 WL 7886182, at *3 (S.D.N.Y. Oct. 14, 2022) (citing *DiRussa v. Dean Witter Reynolds Inc.*, 121 F.3d 818, 826 (2d Cir. 1997)).

Defendants have not attempted to meet this burden. The Court temporarily placed the requested pages under seal prior to filing its Report & Recommendation. The Court today has filed under seal an unredacted version of Plaintiff’s Opposition papers. (See ECF No. 106.) No later

than March 23, 2023 Defendants shall show cause why the seal should not be lifted. Should Defendants fail to show cause, the Court intends to instruct the Clerk of Court to unseal the entirety of ECF No. 106.

SO ORDERED.

DATED: New York, New York
March 16, 2023

A handwritten signature in black ink, appearing to read "Stewart D. Aaron", is written above a horizontal line.

STEWART D. AARON
United States Magistrate Judge